

***Response to Amendment***

1. Applicant's argument and arguments of March 4, 2010 have been entered.
2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

4. Claims 1, 3-6, 8, 9, 14-16, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connell in view of Nielsen.

O'Connell discloses a fire extinguishing system including a source 2 of fire extinguishant fluid, a nozzle body 35 having a wall defining an interior cavity, and at least one extinguishant outlet 37 formed in the wall for discharging extinguishant fluid from the cavity into a fluid-filled volume (a room for example), which outlet is fixed in use, and wherein at least a portion of each outlet is inclined with respect to any plane which is parallel to and passes through the central axis of the cavity and which intersects the portion of each outlet. Nielsen teaches a fire extinguishing system comprising outlets 29 that are fixed in use and the arrangement of the outlet being such that a rotational movement of fluid is induced to distribute the fluid homogeneously to the surroundings. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of O'Connell by providing a means to produce rotational movement of the extinguishant as has been taught by Nielsen to distribute the fluid homogeneously to the volume. Regarding claim 5, such a

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modification would have required a mere change in the position of a device which is generally recognized as being within the level of ordinary skill in the art. Regarding claim 17, it would have been obvious to one having ordinary skill in the art that the device would normally be placed in a room and as such the combination of the device and the room would read on the claim language of claim 17. The device will carry out the method of claim 24.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is (571)272-4904. The examiner can normally be reached on Mon-Friday 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571)272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

/Davis Hwu/  
Primary Examiner, Art Unit 3752